

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, June 6, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Andrew Gonzales, Rami Talleh, Carmen Borruso
(recording secretary) Jeanie Cutler

MINUTES: April 25, 2007
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-013 (EGG ROLL KING)

APPLICANT: Wan Ching Chen, 7251 Warner Avenue, Unit F, Huntington Beach,
CA 92647
PROPERTY OWNER: Huntington Beach Associates, 17631 Fitch, Irvine, CA
92614-6021
REQUEST: To permit the sales of alcoholic beverages for onsite consumption at
an existing restaurant.
LOCATION: 7251 Warner Avenue, Unit F, 92647 (north side of Warner Avenue,
east of Goldenwest Street)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales stated that the back door that faces the residential area is only used as an employee exit and entrance. Staff indicated that the Police Department is in support of the project.

Staff recommended approval of the request and stated that no written or verbal comments were received in response to the public notification.

Herb Fauland, Acting Zoning Administrator, stated that he had visited the site and had not spoken with the applicant or staff.

THE PUBLIC HEARING WAS OPENED.

Robert Buaas, 7251 Warner Avenue, representative of the applicant, stated that Mr. Chen is in agreement with the suggested findings and conditions of approval.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

CONDITIONAL USE PERMIT NO. 2007-013 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-013:

1. Conditional Use Permit No. 2007-013 for sale and consumption of alcoholic beverages for an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed onsite alcohol sales will not generate noise, traffic, demand for parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. Furthermore, the adjacent residential district to the east is adequately buffered from the restaurant at a distance of 40 ft. In addition, the store front and entrance of the restaurant is oriented away from residential units.
2. The conditional use permit will be compatible with surrounding uses because the existing restaurant is located within an established commercial shopping center containing similar and complimentary uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Alcohol sales are permitted in the CG (Commercial General) zone, subject to conditional use permit approval.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General-0.35 max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate existing development by allowing alcohol sales at an existing restaurant. The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-013:

1. The site plan and floor plans received and dated March 22, 2007, shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: TEMPORARY USE PERMIT NO. 2007-002 AND COASTAL DEVELOPMENT PERMIT NO. 2007-003 (SURF CITY NIGHTS – CONTINUED FROM MAY 16, 2007 MEETING WITH THE PUBLIC HEARING OPEN)

APPLICANT:	Downtown Business Improvement District, Connie Pedenko and the City of Huntington Beach.
PROPERTY OWNER:	City of Huntington Beach, Economic Development Department, 2000 Main Street, Huntington Beach, CA 92648
REQUEST:	To permit the temporary closure of Main Street every Tuesday night, between Pacific Coast Highway and Orange Avenue including a half block of Olive Avenue and Walnut Avenue on either side of Main St., to allow for an outdoor festival for a period of one year. The festival will consist of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, and kids' activities (bounce house and train). Parking for the festival will be provided at private and public parking facilities within the downtown area with valet and employee parking available on two parcels located at the northwest corner of Orange Ave. and First St. and the northwest corner of Walnut Ave. and First St. Additional parking will be available at a remote parking lot located at 2000 Main Street with shuttle service to/from the festival via Lake Street to accommodate overflow parking.
LOCATION:	Main Street (between Pacific Coast Highway and Orange Avenue – Downtown Huntington Beach)
PROJECT PLANNER:	Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary. He outlined additional suggested conditions of approval received from the Department of Public Works.

Mr. Talleh stated that at the May 16th Zoning Administrator meeting, the Zoning Administrator had concerns with the description of the project, which did not include the closure of Walnut and Olive Avenues, remote parking lots, and shuttle service. Staff stated that notices with the revised project description were mailed to surrounding property owners, tenants and the property owners along the proposed shuttle route.

Staff stated that no written or verbal comments were received in response to the re-notification of the public hearing.

Staff recommended approval of the request based upon the suggested findings and the conditions of approval as presented in the executive summary, including adoption of the Public Works conditions of approval.

Staff indicated that representatives from Police, Public Works and Economic Development Departments were in attendance to answer any questions.

Mr. Fauland, made the following disclosures: He has not had contact with the public on this item to date, he has been a part of the Main Street Workshop Committee and associated work groups that originally reviewed this item for City Council consideration, he has been a party to discussions at the Development Assistance Team reviewing this item, has had discussions with the Zoning Administrator regarding continuing the item, and had discussions with staff. Mr. Fauland indicated that he is adequately prepared and informed to review and act on this item.

THE PUBLIC HEARING WAS REOPENED.

Ms. Connie Pedenko, co-applicant, confirmed that she had reviewed the findings, conditions, and the code requirements and agreed to abide by them.

Mr. Steve Holden, 949 10th Street, stated that he did not oppose the closure of Main Street, but had concerns related to traffic flow and the shuttle frequency on Lake Street. He suggested redirecting the shuttle to commercial avenues away from residential areas.

Stephanie Inbody, General Manager, Fred's Mexican Café, 300 Pacific Coast Highway, stated that she is not opposed to the festival, but is opposed to closing the first block at PCH and Main Street due to the many traffic problems that have also been compounded by the ongoing downtown construction work. She recommended the shuttle use Goldenwest Street rather than Lake Street.

Allen Hall, business owner, Randy's Boutique, 200 Main Street, #113, stated he is in favor of the festival but has concerns with the way the farmer's market is being conducted. He indicated that the vendor booths block his store frontage. He stated that he is losing \$1,000 per night during the summer street fair event.

Nova Punongbayan, Economic Development Department, co-applicant, stated that in order to minimize parking in the downtown area the organizers are encouraging parking at City Hall, and

taking the shuttle. She stated that the City Hall parking lot provides 144 spaces and the shuttle hours are 6:00pm – 9:30pm.

Discussion ensued between Ms. Pedenko, Mr. Hall and Ms. Punongbayan regarding the various issues.

Mr. Fauland acknowledged Mr. Hall's concerns and stated that the City is very aware of the many issues concerning businesses downtown. The Downtown Business Improvement District (DBID) representative and the Economic Development Department have noted his concerns and will evaluate the event to see what can be done.

In response to a question from Mr. Hall, Mr. Fauland stated that the shuttle system and the auxiliary parking lots have always been contemplated. Mr. Fauland stated that the Zoning Administrator at the last meeting directed staff, and the applicant to look at remedying the possibility of parking impacts to the downtown. The City and the DBID have come up with two ways to mitigate potential parking problems:

1. The shuttle service from City Hall to downtown.
2. Two auxiliary parking lots that can be used for parking through valet and intended parking that will be implemented if the city deems there to be a parking impact occurring downtown.

Mr. Fauland stated that these may be implemented dependent upon the continued success of the event throughout the summer.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Fauland summarized that the City has been reviewing this event and looking at ways to make downtown more vibrant during the off season.

Mr. Fauland reiterated that the City is attempting to continue the activity for one year in compliance with the Coastal Commission regulations and will continue to evaluate the event and activities. At the same time, the City being the co-applicant, can terminate the event at any time if there are an overriding series of events that may cause serious impacts to neighbors, residents or downtown businesses. Mr. Fauland stated that the DBID and the Economic Development Department have demonstrated that they are willing to listen to the downtown businesses and if necessary modify the event within the parameters of the TUP to address any concerns.

Mr. Fauland addressed the circulation issues evaluated by the Public Works Transportation Division. He stated that the applicant has worked with the Police Department and other City departments and organizations to tailor an overall plan that will be a success for everyone in the downtown. He emphasized that it is not the City's intention to develop something that will harm or drive people out of business and the event will continue to be evaluated.

Mr. Fauland addressed Mr. Holden's concerns and stated that the City is attempting to mitigate potential traffic impacts with the implementation of the shuttle service and additional parking lots. He emphasized again that the City can close down the event at any time if it were to become a detriment to the neighborhood.

Mr. Fauland stated that he was going to approve the request with the addition of the following Coastal Element land use policies to Finding No.1:

- a. C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.
- b. C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:
 - Monitor parking programs to make the most effective use of parking resources, and
 - Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.
- c. C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.
- d. C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

TEMPORARY USE PERMIT NO. 2007-002 AND COASTAL DEVELOPMENT PERMIT NO. 2007-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT 2007-003:

1. Coastal Development Permit No. 2007-003 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use Policies:
 - a. C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.
 - b. C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:
 - Monitor parking programs to make the most effective use of parking resources, and
 - Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.

- c. C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.
- d. C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The proposed street festival will attract tourists and Huntington Beach residents to Main St. and the Municipal Pier reinforcing Downtown Huntington Beach as a “hub” of community activity. The weekly event increases and enhances recreational opportunities in the coastal zone by providing public recreational and community activities with adequate parking and parking facilities within the downtown and if necessary in satellite facilities. Parking facilities will be monitored to ensure adequate parking is provided. Furthermore, satellite parking lots with valet and shuttle service are available. The temporary removal of parking on Main Street will be adequately replaced as necessary.

- 2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The temporary use does not involve the construction of permanent structures. Minimum aisle widths will be provided.
- 3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All infrastructure exists for the proposed market that is consistent with the Huntington Beach Coastal Element and Coastal Land Use Plan of the General Plan.
- 4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access will remain to the beach and pier area.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2007-002:

- 1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses because the event is temporary in nature and is consistent with the character of the area. It will not alter existing property and improvements in the area.
- 2. Approval of the application for the temporary closure of Main Street every Tuesday night, between Pacific Coast Highway and Orange Avenue including a half block of Olive Avenue and Walnut Avenue on either side of Main St., to allow for an outdoor festival for a period of one year consisting of various activities including sidewalk sales, farmer’s market, live entertainment, food preparation and tasting, kids activities (bounce house and train), and seasonal parking lots will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The event was held for the past three months without adversely impacting the surrounding area. The applicant will provide adequate traffic controls and security measures to mitigate potential impacts to the surrounding area.

CONDITIONS OF APPROVAL – TEMPORARY USE PERMIT NO. 2007-002 AND COASTAL DEVELOPMENT PERMIT NO. 2007-003

- 1. The site plans received and dated April 9, 2007, and shuttle route received and dated May 29, 2007, shall be the conceptually approved layout with the exception of the following:

- a. Barricade placement shall be amended to allow alley access from Walnut Avenue for the two alleyways on the east and west sides of Main Street. (PW
 - b. The shuttle route shall be amended to indicate that the shuttle would enter and exit the City Hall parking lot via the eastern Yorktown Avenue driveway. Also the shuttle shall use the current loading zone on 3rd Street as proposed and either a) proceed west on Walnut Avenue, u-turn and return north on 3rd Street/Lake Street (the preferred option); or b) proceed east on Walnut Avenue, north on 2nd Street, west on Olive Avenue and return north on 3rd Street/Lake Street. (PW
2. In the event that the City determines there is a parking deficiency or if downtown parking facilities reach full capacity for two hours during the summer months as a result of the event, additional parking shall be provided at the City Hall parking lot with shuttle services to and from the event.
 3. Prior to operation of the valet/employee parking lots all Planning Department and Public Works Department requirements shall be complied with.
 4. Prior to instituting the shuttle service, a signing and directional plan shall be prepared and deployed to direct visitors to the remote parking area and to the shuttle stop locations. (PW
 5. Prior to closing the first block of Main Street from Pacific Coast Highway to Walnut Avenue, an encroachment permit shall be obtained from CALTRANS. (PW
 6. Traffic Control for the event shall be provided in accordance with all Public Works, Police and Fire Department requirements for access, circulation and protection of the public. If outside contractors are used in lieu of City forces to install traffic control, encroachment permits shall be obtained from Public Works Department and CALTRANS (if required). (PW
 7. The Director of Planning ensures that all conditions of approval herein are complied with. At the discretion of the Directors of Public Works and Planning, the conditions of approval contained herein may be modified. The Director of Planning shall be notified in writing if any changes to the site plan, list of activities, and shuttle route are proposed as a result of the ongoing operation and oversight of the event.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2: 20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JUNE 20, 2007 AT 1: 30 PM

Herb Fauland,
Acting Zoning Administrator

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